

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION

SEDRICK D. RUSSELL

PETITIONER

VS.

CIVIL ACTION NO. 3:12CV603TSL-JMR

RONALD KING

RESPONDENT

ORDER

This cause came on this date to be heard upon the report and recommendation of United States Magistrate Judge John M. Roper, and the court, having fully reviewed the report and recommendation entered in this cause on March 7, 2013, and being duly advised in the premises, finds that said report and recommendation should be adopted as the opinion of this court.

IT IS, THEREFORE, ORDERED that the report and recommendation of United States Magistrate Judge John M. Roper entered on March 7, 2013, be, and the same is hereby adopted as the finding of this court, and the petition for writ of habeas corpus is hereby dismissed without prejudice.

It is further ordered that a certificate of appealability should not issue. Petitioner has failed to demonstrate that "jurists of reason would find it debatable whether [this] court was correct in its procedural ruling." Slack v. McDaniel, 529 U.S. 473, 484, 120 S. Ct. 1595, 146 L. Ed. 2d 542 (2000).

A separate judgment will be entered herein in accordance with this order as required by Rule 58 of the Federal Rules of Civil Procedure.

SO ORDERED this 2nd day of April, 2013.

/s/ Tom S. Lee  
UNITED STATES DISTRICT JUDGE